

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference DI-5763PCT	FOR FURTHER ACTION see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. PCT/US 02/ 29976	International filing date (day/month/year) 20/09/2002	(Earliest) Priority Date (day/month/year) 14/12/2001
Applicant BAXTER INTERNATIONAL INC.		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 7 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing :

☐ contained in the international application in written form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☒ **Certain claims were found unsearchable** (See Box I).

3. ☐ **Unity of invention is lacking** (see Box II).

4. With regard to the **title**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

☐ the text is approved as submitted by the applicant.

☒ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No.

☐ as suggested by the applicant.

☐ because the applicant failed to suggest a figure.

☐ because this figure better characterizes the invention.

☒ None of the figures.

Box III TEXT OF THE ABSTRACT (Continuation of item 5 of the first sheet)

A membrane capable of sensing ammonia dissolved in solution is provided. The membrane includes a hydrophobic polymer layer that has a microporous structure and contains a pH indicator embedded therein. The hydrophobic polymer is selected from the group of fluorinated polymers such as teflon (PTFE) or polyvinylidene difluoride.

A. CLASSIFICATION OF SUBJECT MATTER
 IPC 7 G01N31/22

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

 Minimum documentation searched (classification system followed by classification symbols)
 IPC 7 G01N

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

WPI Data, PAJ, EPO-Internal

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	EP 1 037 045 A (ENVIRONMENTAL TEST SYSTEMS) 20 September 2000 (2000-09-20) the whole document	1-17, 20-23, 25
X	US 6 013 529 A (MUNKHOLM CHRISTIANE) 11 January 2000 (2000-01-11) column 1, line 63 -column 2, line 44 column 3, line 59 -column 4, line 61 abstract	1-6, 8-17, 20-23, 25
Y	WO 94 10553 A (LUCAS BRIAN RONALD ;OPTEX BIOMEDICAL INC (US)) 11 May 1994 (1994-05-11) page 2, line 14 -page 5, line 4 abstract	1-17, 20-23
X	page 3, line 18 -page 3, line 30 -/--	25

☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

* Special categories of cited documents :

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

T later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

X document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

Y document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

G document member of the same patent family

Date of the actual completion of the international search

27 November 2002

Date of mailing of the international search report

10/12/2002

Name and mailing address of the ISA

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Authorized officer

Michalitsch, R

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	EP 0 126 600 A (ELF UK PLC) 28 November 1984 (1984-11-28) abstract page 1, line 17 -page 4, line 22 -----	1-17, 20-23

FURTHER INFORMATION CONTINUED FROM PCT/SA/ 210

Continuation of Box I.2

Claims Nos.: 24

Claim 24 introduces a method of producing an ammonia sensing membrane.

The wording of the claim is unclear insofar as a hydrophobic membrane and a pH sensitive dye are mixed in a casting solution.

The current wording suggests rather a coating process for a membrane with a dye or a casting of the dye onto an intact membrane rather than the preparation of the entire membrane through a casting process. In this context the term "casting" is misleading.

If the preparation of the entire membrane by casting the solution onto e.g. a flat surface or spin casting etc. is meant, it is assumed that, for this process, a hydrophobic membrane MATERIAL and a dye would be used and added to a casting solution.

In conclusion the claim is so unclear and in breach of Art. 6 PCT, (G-IV-III 4) that a meaningful search is not possible.

The applicant's attention is drawn to the fact that claims, or parts of claims, relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure.

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Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☒ Claims Nos.: 26-38
because they relate to subject matter not required to be searched by this Authority, namely:
Claims 26-38 claim methods for or related to a treatment of the human or animal body by therapy.
Such subject matter, however, is excluded from patentability and is subject to rule 67.1(iv) PCT.
2. ☒ Claims Nos.: 24
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
see FURTHER INFORMATION sheet PCT/ISA/210
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
☐ No protest accompanied the payment of additional search fees.

Patent document cited in search report		Publication date		Patent family member(s)		Publication date
EP 1037045	A	20-09-2000	AU	2237600 A		21-09-2000
			CA	2300785 A1		16-09-2000
			EP	1037045 A2		20-09-2000
			JP	2000314734 A		14-11-2000
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US 6013529	A	11-01-2000	AU	8353998 A		01-03-1999
			EP	1004024 A1		31-05-2000
			WO	9908114 A1		18-02-1999
			JP	2001512833 T		28-08-2001
			US	6107099 A		22-08-2000
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WO 9410553	A	11-05-1994	WO	9410553 A1		11-05-1994
			US	5408999 A		25-04-1995
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EP 0126600	A	28-11-1984	AT	41057 T		15-03-1989
			DE	3476915 D1		06-04-1989
			EP	0126600 A2		28-11-1984
			JP	60035246 A		23-02-1985
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